

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

RONALD SUTTON, #210657, )  
Plaintiffs, )  
v. ) CIVIL ACTION NO. 2:06-CV-352-MEF  
BOB RILEY, et al., )  
Defendants. )

## **ORDER ON MOTION**

On April 28, 2006, the plaintiff, Ronald Sutton [“Sutton”], filed a motion to correct statement of claim (Court Doc. No. 4). In this motion, Sutton challenges this court’s reference in the April 24, 2006 Recommendation to a claim regarding an award of correctional incentive time. Specifically, Sutton asserts that his complaint challenges “prison overcrowding in Alabama” and contains “nothing which says Sutton request to earn CIT Good Time.” *Motion to Correct Statement of Claim* at 1. However, the court cannot agree with Sutton’s characterization of the claims presented in his complaint.

In the typed document attached to the pre-printed complaint titled “Civil Rights Complaint” by Sutton, he complains that the “[d]efendants grants and provide discrimination with use of CIT Good Time to Habitual Offenders in Alabama.” *Complaint* at 5 - *Attached Civil Rights Complaint* at 2. Specifically, Sutton asserts that “Alabama by statute under section 14-9-41(e) [the Alabama Correctional Incentive Time Act] discriminat[es] against

[habitual felony offenders] without justifiable cause . . . Defendants amended Alabama CIT good Time law in October of 1991, and granted Good Time to Habitual Offenders by sentence number alone. Defendants every since 1991 has [therefore] singled out class discrimination . . .” *Complaint* at 6 - *Attached Civil Rights Complaint* at 3. Sutton requests that the defendants be required to “grant all inmates under Class C and Class B the same equal protection” by allowing them to earn correctional incentive time credit. *Complaint* at 8 - *Attached Civil Rights Complaint* at 5. He also request that this Court require that the defendants provide him equal protection under the Alabama Correctional Incentive Time Act. *Complaint* at 11 - *Attached Civil Rights Complaint* at 8. In light of the foregoing, it is

ORDERED that the motion to correct statement be and is hereby DENIED.

DONE, this 2<sup>nd</sup> day of May, 2006.

/s/ Susan Russ Walker  
SUSAN RUSS WALKER  
UNITED STATES MAGISTRATE JUDGE